



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

**NOV 01 2011**

OFFICE OF  
ENVIRONMENTAL CLEANUP

Mail Stop: ECL-111

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

John Oldham  
Director, Site Remediation  
Reichhold, Inc.  
PO Box 13582  
Research Triangle Park, NC 27709-3582

Re: Request to Substantiate Confidentiality Claim

Dear Mr. Oldham:

On February 23, 2011, EPA received your supplemental response to an information request issued pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(e) for the Lower Duwamish Waterway Superfund Site in Seattle, Washington. In this response Reichhold, Inc. asserted a claim of business confidentiality for Exhibit 2, Proprietary, Company Confidential Information, Document Numbers 1 – 148, responsive to Question 2(a).

EPA is in the process of determining whether this information is entitled to treatment as confidential business information (CBI). Pursuant to 40 C.F.R. 2.204(e), Reichhold, Inc. may provide comments to EPA to support a determination that the information is CBI. Specifically, EPA invites your comment on the following points:

- the portions of the information which are alleged to be entitled to confidential treatment;
- the period of time for which confidential treatment is desired by the business;
- the measures taken to guard against undesired disclosure of the information to others;
- the extent to which the information has been disclosed to others and the precautions taken in connection therewith;
- pertinent confidentiality determinations, if any, by EPA or other Federal agencies, and a copy of any such determination, or reference to it, if available; and
- whether the disclosure of the information would be likely to result in substantial harmful effects on the business' competitive position, and if so, what those harmful effects would be, why they are substantial, and an explanation of the causal relationship between the disclosure and such harmful effects.

Reichhold, Inc. may assert a confidentiality claim covering part or all of the information submitted in the comments. All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "

confidential." Information covered by a confidentiality claim will be entitled to confidential treatment as set forth at 40 C.F.R. § 2.205(c).

Written comments on the preliminary determination must be postmarked or received by EPA within 15 working days of your receipt of this notice. Your comments should be addressed to:

United States Environmental Protection Agency, Region 10  
Aaron Lambert, Environmental Protection Specialist  
Environmental Cleanup Office, ECL-111  
1200 Sixth Ave. Suite 900  
Seattle, Washington 98101

EPA will construe your failure to furnish timely comments as a waiver of the confidentiality claim asserted in your first response.

If you wish to discuss your submission of comments or the confidentiality claim, please contact me at (206) 553-5122. For legal questions please contact Alexander Fidis, EPA Office of Regional Counsel, at (206) 553-4710.

Thank you for your cooperation in this matter.

Sincerely,



Aaron Lambert  
Environmental Protection Specialist  
Site Cleanup Unit #3  
Office of Environmental Cleanup